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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. 3-06-70184 BZ
13 Plaintiff,)
14 v.) [PROPOSED] ORDER AND
15 MARCO FLORES-MEDRANO,) STIPULATION EXTENDING TIME
aka Marco Flores,) UNDER RULE 5.1 AND EXCLUDING
16 Defendant.) TIME UNDER THE SPEEDY TRIAL ACT
17 _____)

18 The parties stipulate and agree, and the Court finds and holds, as follows:

19 1. The parties initially appeared on the instant matter March 21, 2006 for defendant's
20 initial appearance on the complaint. On April 4, 2006, the parties appeared in front of the
21 Honorable James Larson for arraignment, time was waived, and the matter was continued to
22 April 14, 2006 for arraignment. On April 14, 2006, the parties appeared in front of the
23 Honorable James Larson for status and the matter was again continued to April 28, 2006.

24 2. On April 28, 2006, the parties appeared in front of the Honorable James Larson for
25 status and the matter was continued to May 3, 2006 for arraignment.

26 3. On April 28, 2006, Assistant Public Defender David W. Fermino, who represents the
27 defendant, requested an exclusion of time from April 28, 2006 to May 3, 2006, based on
28 effective preparation and continuity of counsel. The defendant agreed to an extension of time for

1 the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of
2 time under the Speedy Trial Act. The parties are involved in discussions which appear likely to
3 lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension
4 of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree
5 that the time from April 28, 2006 to May 3, 2006 should be extended under Rule 5.1(d) and
6 excluded in computing the time within which an information or indictment must be filed. See 18
7 U.S.C. § 3161(h)(8)(A) and (B)(iv).

8 4. In light of the foregoing facts, the failure to grant the requested exclusion would
9 unreasonably deny counsel for the defense the reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence. See id. The ends of justice would
11 be served by the Court excluding the proposed time period. These ends outweigh the best
12 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

13 5. For the reasons stated, the time period from April 28, 2006 to May 3, 2006 is extended
14 under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18
15 U.S.C. § 3161(h)(8)(A).

16
17 IT IS SO STIPULATED.
18

19 DATED: _____ Respectfully Submitted,

20
21 /S/
22 NAHLA RAJAN
Special Assistant United States Attorney

23 DATED: _____ /S/
24 DAVID W. FERMINO
Counsel for Marco Flores Medrano

25
26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27
28 DATED: May 2, 2006

